

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District
FILE NUMBER: D-19227
REGULATORY PROJECT MANAGER: Mark Pattillo **Date:** 22 January 2007
PROJECT REVIEW/DETERMINATION COMPLETED: In the office (Y/N): Y **Date:** 22 January 2007
At project site (Y/N): N **Date:**

PROJECT LOCATION INFORMATION:

State: Texas
County: Aransas
Center coordinates of site by latitude & longitudinal coordinates: 27-56-39 E; 97-07-33 N
Approximate size of site/property (including uplands & in acres): 10 acres
Name of waterway or watershed: Aransas Bay

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------|--------------------------|
| Lake | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| River | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Stream | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Dry Wash | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Mudflat | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Sandflat | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Wetlands | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Slough | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Prairie pothole | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Wet meadow | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Playa lake | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Vernal pool | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Natural pond | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |
| Other water (identify type) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="checkbox"/> |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|--------------------------|--------------------------|--|--------------------------|-------------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is or would be used as habitat by other migratory birds that cross state lines? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is or would be used as habitat for endangered species? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Is used to irrigate crops sold in interstate commerce? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ or Approved ☒

ADDITIONAL INFORMATION SUPPORTING NJD (required):

1. Site/Environmental Conditions Total Size of Non-Jurisdictional Water Feature 0.65 acre
Does water feature extend off of project site? Y / N N
Would proposed discharge fill entire water feature ? Y / N Y
Number of water features determined Non-Jurisdictional 1
Other relevant information

2. Rationale for determination, including information reviewed to assess potential navigation or interstate commerce connections: An isolated, non-navigable, intrastate water with no known nexus to interstate commerce, that is outside of the flood plain.

3. Do waters of the U.S. exist on the site? Y / N N If Yes, approximate size of jurisdictional water(s):

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 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-18886

REGULATORY PROJECT MANAGER: Chris Wrbas

Date: 30 Nov. 2006

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 30 Nov. 2006

At the project Site: Y(Y/N)

Date: 30 Nov. 2006

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Galveston

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 24' 45"N, 95° 03' 07"W

Approximate Size of Site/Property (Including Uplands & in Acres)

N/A

Name of Waterway or Watershed

Highland Bayou

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce | | | | | X |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

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FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-19010

REGULATORY PROJECT MANAGER: Chris Wrbas

Date: 5 Jan 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 5 Jan 2007

At the project Site: N(Y/N)

Date: _____

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Matagorda

Center Coordinates of Site by Latitude & Longitude Coordinates

28° 55' 09"N, 95° 59' 09"W

Approximate Size of Site/Property (Including Uplands & in Acres)

N/A

Name of Waterway or Watershed

Colorado River

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce | | | | | X |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

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 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: SWG-2007-309

REGULATORY PROJECT MANAGER: Chris Wrbas

Date: 9 Mar 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)
 At the project Site: N(Y/N)

Date: 9 Mar 2007

Date: _____

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 36' 50"N, 95° 11' 05"W

Approximate Size of Site/Property (Including Uplands & in Acres)

N/A

Name of Waterway or Watershed

Turkey Creek

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce | | | | | X |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

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ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-19129

REGULATORY PROJECT MANAGER: Chris Wrbas

Date: 23 Jan 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)
At the project Site: N(Y/N)

Date: 23 Jan 2007

Date: 23 Jan 2007

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

29° 41' 59"N, 95° 08' 20"W

Approximate Size of Site/Property (Including Uplands & in Acres)

N/A

Name of Waterway or Watershed

Boggy Bayou

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | X |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce | | | | | X |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED

ADDITIONAL INFORMATION SUPPORTING NJD: The presence of wetland areas that meet the three criteria (hydrophytic vegetation, wetland hydrology, and hydric soils) of a wetland as outlined in the Corps of Engineers

1987 Wetland Delineation Manual are considered isolated, since there are no direct connections to navigable waters of the United States. In addition, the wetlands do not sustain a nexus to interstate commerce and are located outside of the 100-year floodplain of any nearby waterway.

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG Galveston District

FILE NUMBER: D-19222

REGULATORY PROJECT MANAGER: Weitknecht

COPY

Date: 21-Mar-07

PROJECT REVIEW/DETERMINATION COMPLETED: In the office _____ Y
 At the Project Site _____ (Y/N)

Date: 21-Mar-07

Date: N/A

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Liberty

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Site-1 30 04' 45" N, 94 57' 05" W

Approximate Size of Site/Property (Including Uplands & In Acres):

583

Name of Waterway or Watershed:

SITE CONDITIONS:

| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|--------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce? | | | | | X |

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary X or Approved _____

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

COPY

SUBJECT: **D-192222**; Jurisdictional Determination, 167-Acres and 416-Acres, Non Contiguous Tracts Northwest of Dayton, Liberty County, Texas

1. The two project sites are located near one another but are not contiguous. Site 1 is approximately 416-acres and Site 2 is approximately 167-acres in size. Located within the two project boundaries are what appear to be an unknown amount of isolated wetlands. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and they do not have a direct surface hydrologic connection to a water of the United States.
3. No waters of the U.S. are present within the two subject tracts.



Glenn Weitknecht
Regulatory Specialist

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COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG

FILE NUMBER: D-19009

REGULATORY PROJECT MANAGER: Weitknecht

Date: 5-Mar-07

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y
 At the Project Site Y

Date: 5-Mar-07

Date: 7-Feb-07

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Fort Bend County

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

29 37' 45" N, 95 38' 54" W

Approximate Size of Site/Property (Including Uplands & In Acres):

714

Name of Waterway or Watershed:

Lower Brazos

SITE CONDITIONS:

| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|--------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | X | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | X |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | X | | | |
| Is used to irrigate crops sold in interstate commerce? | | | | X | |

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary X or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

MEMORANDUM FOR THE FILE

SUBJECT: **D-19009**; Jurisdictional Delineation Verification, 714.57-Acre Proposed Residential Subdivision, Cherokee Investments, City of Sugar Land, Fort Bend County, Texas

1. The total project site is approximately 714.57-acres. Located within the project boundaries is an unknown amount of what appears to be isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
3. There are 82.96-acres of waters of the United States present within the project boundaries. Specifically, there are 35.41-acres of Oyster Creek and 47.55-acres of adjacent wetlands that meet the hydrophytic vegetation, wetland hydrology, and hydric soils criteria of the Corps of Engineers 1987 Wetland Delineation Manual.

A handwritten signature in black ink, appearing to read 'Glenn Weitknecht', with a stylized, sweeping flourish extending to the right.

Glenn Weitknecht
Regulatory Specialist

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ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: SWG-2007-91

REGULATORY PROJECT MANAGER: Kristi McMillan

Date: 8 March 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 8 March 2007

At the project Site: (Y/N)

Date: _____

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

Lat: 29.46.37 Long: 95.13.49

Approximate Size of Site/Property (Including Uplands & in Acres)

0.5

Name of Waterway or Watershed

Hunting Bayou

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | X | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce | | | | X | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY X or APPROVED _
ADDITIONAL INFORMATION SUPPORTING NJD:

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: GALVESTON

FILE NUMBER: SWG-2007-359-RC

REGULATORY PROJECT MANAGER: Johnson

Date: 3/23/2007

PROJECT REVIEW/DETERMINATION COMPLETED: DESK YES (Y/N)
 At the Project yes (Y/N)

Date: 3/23/2007

Date: 3/9/2007

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Montgomery

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

13.7-ac

Name of Waterway or Watershed:

Harpers Horsepen Branch

SITE CONDITIONS:

| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|--------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | XXXXXX | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | XXX |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | XXX |
| Is or would be used as habitat for endangered species? | | | | | XXX |
| Is used to irrigate crops sold in interstate commerce? | | | | | XXX |

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: GALVESTON

FILE NUMBER: SWG-2007-346-RC

REGULATORY PROJECT MANAGER: Johnson

Date: 3/23/2007

PROJECT REVIEW/DETERMINATION COMPLETED: DESK YES (Y/N)
 At the Project YES (Y/N)

Date: 3/23/2007
 Date: 3/9/2007

PROJECT LOCATION INFORMATION:

State: Texas
 County: Montgomery
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: _____
 Approximate Size of Site/Property (Including Uplands & In Acres): 5.4-ac
 Name of Waterway or Watershed: Harpers Horsepen Branch

SITE CONDITIONS:

| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|--------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | XXXXXX | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | XXX |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | XXX |
| Is or would be used as habitat for endangered species? | | | | | XXX |
| Is used to irrigate crops sold in interstate commerce? | | | | | XXX |

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RCC
 FILE NUMBER: I-5380

REGULATORY PROJECT MANAGER: John Wong Date: 1 Feb 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 1 Feb 2007
 At the project site Y (Y/N) Date: 31 Jan 2007

PROJECT LOCATION INFORMATION:

State: Texas
 County: Cameron
 Center coordinates of site by latitude & longitudinal coordinates: 26-00-37/97-32-20
 Approximate size of site/property (including uplands & in acres): 15 acres
 Name of waterway or watershed: Resaca del Ranch Viejo

SITE CONDITIONS:

| Type of aquatic resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mudflat | | | | | | | | | |
| Sandflat | | | | | | | | | |
| Wetlands | | | | | X | | | | |
| Slough | | | | | | | | | |
| Prairie pothole | | | | | | | | | |
| Wet meadow | | | | | | | | | |
| Playa lake | | | | | | | | | |
| Vernal pool | | | | | | | | | |
| Natural pond | | | | | | | | | |
| Other water (identify type) | | | | | | | | | |

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able To Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce? | | | | | X |

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary X Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Separated from main Resaca by development and road. Old connecting culvert reportedly blocked/inoperative for 20 years.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: SWG-2007-97

REGULATORY PROJECT MANAGER: Kristi N. McMillan
2007

Date: 14 March

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 14 March 2007

At the project Site: (Y/N)

Date: _____

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

Lat: 29.42.23 Long: 95.05.37

Approximate Size of Site/Property (Including Uplands & in Acres)

29 acres

Name of Waterway or Watershed

Buffalo Bayou

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | X | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce | | | | X | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X
ADDITIONAL INFORMATION SUPPORTING NJD:

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: SWG-2006-2542-RC

REGULATORY PROJECT MANAGER: Kristi N. McMillan
2007

Date: 30 January

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)
At the project Site: (Y/N)

Date: 30 January 2007

Date: _____

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

Lat: 30.05.38 Long: 95.36.33

Approximate Size of Site/Property (Including Uplands & in Acres)

31.47 acres

Name of Waterway or Watershed

Boggs Gully

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | X | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |
| Man-made Pond | X | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce | | X | | | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The 2004 infrared aerial photograph shows the area between the project site and Boggs Gully to be developed. It appears that this development inhibits a hydrologic

surface connection between the project site and a water of the United States. The FEMA floodplain map indicates that the site is located outside of the 100-year flood plain of Boggs Gully, which is a water of the United States.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: GALVESTON

FILE NUMBER: D17839/01

REGULATORY PROJECT MANAGER: Johnson

Date: 2/14/2007

PROJECT REVIEW/DETERMINATION COMPLETED: DESK YES (Y/N)
 At the Project YES (Y/N)

Date: 2/14/2007

Date: 12/5/2005

PROJECT LOCATION INFORMATION:

State:
 County:
 Center Coordinates of Site by Latitude & Longitudinal Coordinates:
 Approximate Size of Site/Property (Including Uplands & In Acres):
 Name of Waterway or Watershed:

Texas
Montgomery
65
Bear Branch

SITE CONDITIONS:

| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
|---------------------------------------|---------|--------|--------|---------|----------|----------|--------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | XXXXXXX | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | XXX |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | XXX |
| Is or would be used as habitat for endangered species? | | | | | XXX |
| Is used to irrigate crops sold in interstate commerce? | | | | | XXX |

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminar XXXXXX or Approved _____

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: GALVESTON

FILE NUMBER: D18888

REGULATORY PROJECT MANAGER: Johnson

Date: 1/23/2007

PROJECT REVIEW/DETERMINATION COMPLETED: DESK YES (Y/N)
 At the Project YES (Y/N)

Date: 1/23/2007
 Date: 10/3/2006

PROJECT LOCATION INFORMATION:

State: Texas
 County: Montgomery
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: Start 30° 15' 53"N, 95° 27' 21"W
 Approximate Size of Site/Property (Including Uplands & In Acres):
 Name of Waterway or Watershed: Little Caney Creek

SITE CONDITIONS:

| Type of Aquatic Resource ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | >50 ac | Linear Feet | Unknown |
|---------------------------------------|--------|--------|--------|---------|----------|----------|--------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | XXXX | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ¹ : | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|--|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties? | | | | | XXX |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | | | XXX |
| Is or would be used as habitat for endangered species? | | | | | XXX |
| Is used to irrigate crops sold in interstate commerce? | | | | | XXX |

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminar XXXXXX or Approved _____

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): Isolated wetlands with no known nexus to interstate commerce.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: SWG-2006-2575-RC

REGULATORY PROJECT MANAGER: Kristi N. McMillan
2007

Date: 18 January

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 18 January 2007

At the project Site: (Y/N)

Date:

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

Lat: 30.07.13 Long: 95.26.25

Approximate Size of Site/Property (Including Uplands & in Acres)

5.3 acres

Name of Waterway or Watershed

Panther Branch

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | X | | | | | | | | |
| Man-made Pond | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | X | |
| Is used to irrigate crops sold in interstate commerce | | X | | | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION: PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The 2004 infrared aerial photograph shows the area between the project site and Spring Creek to be developed. It appears that this development inhibits a hydrologic

surface connection between the project site and a water of the United States. The FEMA floodplain map indicates that the site is located outside of the 100-year flood plain of Spring Creek, which is a water of the United States.

INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON NAVIGABLE, INTRASTATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S.
 ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: SWG-2006-2551-RC

REGULATORY PROJECT MANAGER: John Davidson

Date: 16 Jan. 2007

PROJECT REVIEW/DETERMINATION COMPLETED: In the office: Y(Y/N)

Date: 10 January 2007

At the project Site: N(Y/N)

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris

Center Coordinates of Site by Latitude & Longitude Coordinates

30.008454 N; 95.582059 W

Approximate Size of Site/Property (Including Uplands & in Acres)

9.68 Acres

Name of Waterway or Watershed

Spring Creek watershed

SITE CONDITIONS:

| Type of Aquatic Resources ¹ | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|--|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake | | | | | | | | | |
| River | | | | | | | | | |
| Stream | | | | | | | | | |
| Dry Wash | | | | | | | | | |
| Mud Flat | | | | | | | | | |
| Sand Flat | | | | | | | | | |
| Wetlands | | | | | | | | | X |
| Slough | | | | | | | | | |
| Prairie Pothole | | | | | | | | | |
| Wet Meadow | | | | | | | | | |
| Playa Lake | | | | | | | | | |
| Vernal Pool | | | | | | | | | |
| Natural Pond | | | | | | | | | |
| Other Water (Identify Type) | | | | | | | | | |

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intrastate water present and best estimate for size for non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors ² | If Known | | If Unknown Use Best Professional Judgment | | |
|---|----------|----|---|-----------------------|--------------------------------|
| | Yes | No | Predicted to Occur | Not Expected to Occur | Not able to Make Determination |
| Is or would be used as habitat by birds protected by Migratory Bird Treaties? | | | X | | |
| Is or would be used as habitat by other migratory birds that cross state lines? | | | X | | |
| Is or would be used as habitat for endangered species? | | | | | X |
| Is used to irrigate crops sold in interstate commerce | | | | X | |

² Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resources area.

TYPE OF DETERMINATION:

PRELIMINARY _ or APPROVED X

ADDITIONAL INFORMATION SUPPORTING NJD: The tract contained wetlands located above the 100-year floodplain that do not have a direct hydrologic surface connection to the unnamed tributary. These wetlands are isolated with no known nexus to interstate commerce and therefore, are not waters of the United States.